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The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

Mass.: LICENSING BOARD

FOR THE

CITY OF BOSTON

FOR THE

YEAR ENDING NOVEMBER 30, 1928



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The Commonwealth of Massachusetts
STATE HOUSE, BOSTON

December 1, 1928.

To His Excellency ALVAN T. FULLER, *Governor of the Commonwealth of Massachusetts.*

Sir:—The Licensing Board for the City of Boston respectfully submits its twenty-third annual report covering the year ending November 30, 1928.

PERSONNEL OF THE BOARD.

DAVID T. MONTAGUE, *Chairman*, ARTHUR J. SELFRIDGE, MARY E. DRISCOLL, constitute the present Board.

FINANCIAL.

Receipts and Disbursements for the year ending November 30, 1928.

Miscellaneous licenses	\$54,411 00	
Liquor licenses	2,049 00	
Miscellaneous receipts	255 00	
	<hr/>	\$56,715 00
Expenses of the board, salaries, rent, lights, etc.		33,177 71
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Excess receipts over expenditures		\$23,537 29

LICENSES GRANTED BY THE BOARD.

1. Third-class liquor, Retail druggists	247
2. Fourth-class liquor, Wholesale dealers	6
3. Fifth-class, Industrial alcohol	2
4. Soft drinks	2,453
5. Innholders and Common Victualers	2,677
6. Lodging houses	3,668
7. Intelligence offices	165
8. Sale of Firearms	19
9. Billiard and Pool tables and Bowling alleys	328
10. Skating rinks, Ferris wheels and Merry-Go-Rounds	3
11. Picnic groves	2
12. Sunday sale of ice cream, confectionery, soda water and fruit	2,262
13. Amusement, required by chap. 299, Acts of 1926	138

Total number of applications acted on during the year:

Granted	11,970
Rejected	294
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	12,264

HEARINGS.

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33 Hearings have been held by the Board during the year as follows:

Kind of License	Number	Action Taken
Third-class druggists	3	Revoked
Third-class druggists	4	Granted after hearing
Third-class druggists	1	Rejected after hearing
Third-class druggists	1	Dismissed
Innholders	1	Revoked
Innholders	2	Revoked (sentence suspended)
Innholders	3	Dismissed
Innholders	12	Placed on file
Innholders	2	Restricted
Common victualers	43	Revoked
Common victualers	51	Revoked (sentence suspended)
Common victualers	3	Suspended 1 month
Common victualers	7	Suspended 2 weeks
Common victualers	12	Suspended 1 week
Common victualers	1	Suspended 3 weeks
Common victualers	1	Suspended 3 days
Common victualers	2	Suspended balance of license year
Common victualers	37	Placed on file
Common victualers	20	Granted after hearing
Common victualers	29	Rejected after hearing
Common victualers	11	Dismissed
Common victualers	1	Complaint Board of Health, suspended till place cleaned up
Common victualers	6	Miscellaneous
Fruit, etc.	18	Revoked
Fruit, etc.	18	Revoked (sentence suspended)
Fruit, etc.	2	Suspended 1 month
Fruit, etc.	4	Suspended 2 weeks
Fruit, etc.	6	Suspended 1 week
Fruit, etc.	47	Placed on file
Fruit, etc.	11	Granted after hearing
Fruit, etc.	6	Rejected after hearing
Fruit, etc.	3	Miscellaneous
Billiard and Pool	7	Revoked
Billiard and Pool	6	Revoked (sentence suspended)
Billiard and Pool	1	Suspended 1 week
Billiard and Pool	1	Suspended 2 weeks
Billiard and Pool	6	Placed on file
Billiard and Pool	8	Granted after hearing
Billiard and Pool	7	Rejected after hearing
Billiard and Pool	3	Dismissed
Billiard and Pool	3	Miscellaneous
Lodging Houses	27	Revoked
Lodging Houses	28	Revoked (sentence suspended)
Lodging Houses	30	Placed on file
Lodging Houses	8	Granted after hearing
Lodging Houses	2	Rejected after hearing
Lodging Houses	27	Dismissed
Lodging Houses	3	Miscellaneous
Soft drinks	33	Revoked
Soft drinks	23	Revoked (sentence suspended)
Soft drinks	2	Suspended 1 month
Soft drinks	4	Suspended 2 weeks
Soft drinks	7	Suspended 1 week
Soft drinks	48	Placed on file
Soft drinks	13	Granted after hearing
Soft drinks	11	Rejected after hearing

Kind of License	Number	Action Taken
Soft drinks	4	Dismissed
Soft drinks	4	Miscellaneous
Intelligence offices	3	Revoked
Intelligence offices	1	Granted after hearing
Intelligence offices	3	Rejected after hearing
Intelligence offices	2	Miscellaneous
Entertainment, etc.	3	Granted after hearing
Entertainment, etc.	4	Rejected after hearing
Entertainment, etc.	2	Restrictions imposed
Entertainment, etc.	2	Revoked
Entertainment, etc.	8	Revoked (revocation suspended)
Entertainment, etc.	10	Placed on file
Entertainment, etc.	3	Suspended 1 week
Entertainment, etc.	8	Miscellaneous

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NOTE.—In 34 cases the Board suspended the license for a definite term and on the termination of the suspension the license was revoked but the revocation suspended.

OF THE CASES PLACED ON FILE

54 were for violation of the Sunday law, sale of bread, etc.

18 were for violation of the liquor law in which the evidence was insufficient to suspend or revoke.

29 were for violation of the lodging house laws, failure to register or immorality, for which the licensee could not be held entirely responsible.

2 were for violations of the pool, etc. laws, minors, gaming and lottery slips.

11 were miscellaneous cases.

TABLE 1.—LIQUOR.

The following is a classified list of the licenses in force Nov. 30, 1928:—

Fourth-class dealer, 3 Fifth-class license, 2

Fourth-class druggist, 3 Third-class druggist, 247

Number of Licenses Issued and Amount paid into the Treasury from Dec. 1, 1927 to Dec. 1, 1928.

3 fourth-class dealers, at \$300	\$900 00
3 fourth-class druggists, at \$300	900 00
247 third-class druggists, at \$1	247 00
2 fifth-class licenses, at \$1	2 00
Total	\$2,049 00

TABLE 2.—COMMON VICTUALERS AND INNHOLDERS.

Common Victualers.

Applications granted	2,615
Places licensed	2,119
Canceled:	
Surrendered	351
For nonpayment	102
	453
Rejected	101
Revoked	43
Transferred	56
Fees collected ^{1 2 3}	\$12,560 00

Of the licenses granted, 26 were for dining cars, 22 of which are in actual operation.

¹ 2 unpaid licenses of 1927, paid.

² 3 licenses unpaid.

³ 2 licenses paid twice.

INNOLDERS.

Applications granted	62	
Places licensed	57	
Canceled:		
Surrendered	4	
Revoked	1	
Withdrawn	1	
Fees collected		\$310 00
The fee fixed by Statute is not to exceed \$5.		

TABLE 3.—BILLIARD, POOL AND SIPPIC TABLES AND BOWLING ALLEYS.

Applications granted	291	
Clubs	37	
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Places licensed	328	
Places licensed (clubs)	252	
Canceled:	37	
Surrendered	20	
For nonpayment	1	
	<hr/>	
Rejected	21	
Revoked	23	
Transferred	7	
Withdrawn	8	
Additional	14	
	11	
<i>Number of Tables and Alleys.</i>		
Billiards	389	
Pool	1,290	
Bowling alleys	771	
Canceled for nonpayment	1	
1 license for 8 alleys		
Fees collected		\$12,210 00

The fee established by the Board is \$5 for each table and alley.

TABLE 4.—INTELLIGENCE OFFICES.

Applications granted	165	
Places licensed	139	
Canceled:		
Surrendered	Class 1—3	
	Class 2—2	
For nonpayment	Class 1—1	
	Class 2—3	
	<hr/>	
Rejected	9	
Transfers granted	7	
Fees collected	12	
		\$8,707 00
Of the applications granted		
86 were first class, \$6,450.		
69 were second class, \$2,415.		
11 were third class, \$22.		

The fee established by the Board is \$75 for a first-class license; \$35 for a second-class license; and \$2 for a third-class license.

13 licensed places hold two classes of licenses.

TABLE 5.—PICNIC GROVES.

Applications granted	2
Places licensed	2
Rejected	1
Fees collected	\$10 00

The fee established by the Board is \$5.

TABLE 6.—SUNDAY SALE OF ICE CREAM, CONFECTIONERY, SODA WATER OR FRUIT.

Applications granted	2,262
Places licensed	1,962
Canceled:	
Surrendered	195
For nonpayment	87
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	282
Rejected	60
Transferred	69
Transfers rejected	1
Withdrawn	63
Revoked	18
Fees collected*	\$10,870 00

The fee fixed by Statute is not to exceed \$5.

*1 license unpaid.

TABLE 7.—LODGING HOUSES.

Applications granted	3,668
Places licensed	3,241
Canceled:	
Surrendered	315
For nonpayment	85
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	400
Rejected	22
Revoked	27
Transferred	85
Fees collected ^{1 2 3}	\$7,170 00

The fee established by the City is \$2.

¹ 1927 license paid.

² 4 licenses unpaid.

³ 5 duplicate payments.

TABLE 8.—MERRY-GO-ROUND, FERRIS WHEELS, ETC.

Applications granted	3
Places licensed	2
Fees collected	\$56 00

The fee established by the Board is \$1 for each class for each day licensed.

TABLE 9.—RETAIL VENDORS OF SOFT DRINKS.

Applications granted	2,453
Places licensed	2,136
Canceled:	
Surrendered	200
For nonpayment	84
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	284
Rejected	67
Revoked	33
Transfers granted	70
Transfers rejected	1
Withdrawn	70
Fees collected ¹	\$2,368 00

The fee is established by law, not to exceed \$1.

¹ 1 unpaid license.

TABLE 10.—FIREARMS.

Applications granted	19	
Places licensed	19	
Fees collected		\$95 00
The fee established by the Board is \$5.		

TABLE 11.—ENTERTAINMENT, ETC.

Applications granted:	Innholders	17	
	Common victualers	109	
	Soft drinks	11	
	Clubs	1	
Canceled:			
Surrendered	Common victualers	9	
Nonpayment	Soft drinks	1	
Rejected:	Common victualers	9	
	Club	4	
Transferred:	Common victualers	1	
Revoked:	Common victualers	1	
	Innholders	1	
Withdrawn:	Innholders	1	
Places in operation		126	
Fees collected			\$55 00
The fee established by the Board is \$5.			

TABLE 12.—MISCELLANEOUS RECEIPTS.

Recording fees	\$255 00
Total amount received and paid into the treasury on account of miscellaneous licenses and receipts	\$54,666 00

TABLE 13.—HOLDERS OF LICENSES ARRANGED ACCORDING TO NATIVITY.

	Lodging Houses	Common Victualers	Inn- holders	Retail Vendors of Soft Drinks	Fruit Ice Cream, etc.	Fire- arms
Albanian	8	29		59	62	
American	1,679	1,175	63	646	553	8
Arabian		1				
Armenian	14	51		117	122	
Australian	1					
Austrian	9	18		13	14	
Belgian	10			1	1	
Canadian	697	135	4	71	52	
Czecho Slav	3					
Chinese		30		1	1	
Danish	4	4		1	1	
Dutch	6			3	4	
Egyptian	1					
English	131	39		43	45	1
Finlander	8	4				
French	26	10		4	4	
German	42	31		20	14	
Grecian	15	362	3	165	177	
Hungarian	2	1		1		
Irish	574	90	1	111	98	
Italian	33	301	2	493	462	3
Japanese	2	2				
Lithuanian	9	16		51	41	
Norwegian	10	5		3	5	
Polish	60	29		65	58	
Portuguese	13	11		9	9	
Roumanian	2	12		6	8	
Russian	41	327	2	421	411	6
Scotch	56	9		5	4	1
Spanish	2	5		3	3	
Swedish	82	17		6	5	
Swiss		1		2		
Syrian	156	36		92	93	
Turkish	6	27		28	30	
Ukranian	1	3				
Welsh	2					
West Indies	31	5			2	
	3,741	2,786	75	2,440	2,279	19

Expenditures from Dec. 1, 1927, to Dec. 1, 1928.

PERSONAL SERVICE.

Commissioners, Secretary and Permanent employes	\$25,703 74
Temporary employes	602 79

SERVICES OTHER THAN PERSONAL.

Printing and binding	43 75
Light	212 95
Rent	4,500 00
Communication	327 03
Cleaning	12 53
Investigation, etc.	191 30
General plant repairs	72 75

EQUIPMENT.

Office	47 00
Library	27 50

SUPPLIES.

Office	1,346 58
Food and ice	85 74
Laundry, cleaning, etc.	4 05

Total	\$33,177 71
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LEGISLATION.

The legislation of 1928 made no change in the laws relating to the Board or to the licenses granted by it.

ENTERTAINMENT LICENSES.

Chapter 299 of the Acts of 1926.

The furnishing by hotels and restaurants of entertainment in their dining rooms has greatly increased in recent years and seems to be still increasing. This entertainment usually consists of music, dancing and cabaret or some one or more of these forms of amusement. The cabarets and dancing are, as a rule, unobjectionable, and much of the music is pleasing. The use by patrons of intoxicating liquor at the tables, however, causes one of the hardest problems of the Board. Of course not all places are alike in this respect. In some there is little if any evidence of the use of intoxicating liquor, in others there is no doubt of its use by patrons. Very little evidence is presented to the Board of the furnishing of intoxicating liquors to guests by the management of hotels and the better class of restaurants, and the Board believes that such furnishing is rare.

The problem is to what extent should the management be held responsible for the use or display of intoxicating liquor at the table by a guest who has brought the liquor to the premises for consumption.

The use of intoxicating liquor in public places is undoubtedly contrary to both the letter and spirit of the prohibitory law. Neither the law nor the Board require impossibilities, but it seems to the Board that the management should be held responsible for knowingly permitting the use or display of intoxicating liquor by a guest at a table of a hotel or restaurant. The rules of the Board concerning entertainment licenses are again published:

1. The licensed premises shall be subject to inspection by the police of the City of Boston and the duly authorized agents of the Licensing Board.

2. No intoxicated person shall be allowed, nor shall the sale, distribution or drinking of intoxicating liquors be permitted, on the licensed premises.

3. Improper dancing by patrons or objectionable entertainment shall not be permitted. The entertainment and dancing must be confined to some space provided for the purpose.

4. Booths hereafter erected, in which refreshments are to be served, shall not be more than 4 feet 6 inches in height, and a plan showing the location and character of the booths must be submitted to the Licensing Board for its approval.

5. The licensed premises must be well lighted at all times.

6. The Licensing Board reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

LODGING HOUSES.

The Board continues to refer new applications to the Building Department for report as to safety from fire. As a whole, the lodging houses of the city appear to be well conducted and complaints concerning them are few in proportion to the number.

GAMBLING DEVICES.

There are various machines or devices on the market, some providing for the sale of candy or other merchandise, others involving the playing of so-called games, but all holding out an invitation to gamble. Some of these contrivances have been held illegal by the courts; others have not to the knowledge of the Board been before any court. The Board requests its licensees not to have on licensed premises any machine or device of which the element of chance appears to be the principal appeal.

SUNDAY FRUIT, ETC. LICENSES.

These licenses permit the sale of four articles only, namely, fruit, ice cream, confectionery and soda water, which last is construed to include the usual so-called soft drinks. Many of the holders of these licenses sell bread and other foodstuffs during the week but on Sunday cannot legally sell a loaf of bread or piece of cake to go with the ice cream. Living conditions have materially changed during the past few years and in some sections of the city the amount and variety of household supplies usually carried is very small. Bakers may legally sell foodstuffs of their own baking between certain hours on Sunday and there were formerly many small bakeries, but now most of the baking is done by large concerns which may have no retail store. It is hard to say just where the line should be drawn, but in view of present conditions and tendencies, the Board is of the opinion that the law might well be made more liberal with reference to the sale of certain foodstuffs on Sunday.

ACTION TAKEN BY THE BOARD.

The principal penalties imposed by the Board on the holder of a license are revocation, or suspension for a term, or a suspended revocation during good behavior, in effect, probation. The first puts the licensee out of business and is not imposed except for a serious offense or where a series of minor offenses make it appear that the licensee either cannot or will not conduct his business properly: the second is imposed for a less serious offense and when it appears that thus warned the licensee will be likely to conduct his business in the future according to law and the terms of his license: the third is a kind of probation and is often imposed to follow a definite suspension, or sometimes where the offense (though proved) is so slight or the evidence, in the opinion of the Board, insufficient to warrant either a revocation or suspension, or where the charges are not fully proved yet the circumstances are very suspicious, and this penalty has a special use in connection with complaints against lodging houses and innholders. The suspension of a lodging house or innholder's license is practically equivalent to a revocation because it empties the house and de-

stroys the business. Consequently if the offense of a licensee of a hotel or lodging house is not enough to warrant a revocation but is serious, the third penalty is the one usually imposed. Suspension of any other license may be a severe penalty, the result of stopping a substantial business being sometimes more serious than a heavy fine.

The term "placed on file" means that the charge against the licensee is sustained by the evidence presented but that the offense is very slight, or there are mitigating circumstances so that the Board thinks a warning is sufficient. The term "dismissed" means that the evidence presented to the Board does not sustain the charge or complaint.

The Board gives a hearing on every complaint and no penalty is imposed without a hearing.

GENERAL MATTERS.

The Board's relations with other departments are cordial and satisfactory and it desires to express its appreciation of the courtesy shown and assistance given by the representatives of those departments with which it comes in contact and its appreciation of the continued faithful and efficient service rendered by its secretary and clerks.

DAVID T. MONTAGUE,
ARTHUR J. SELFRIDGE,
MARY E. DRISCOLL,

Licensing Board for the City of Boston.